



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/808,243	03/14/2001	Richard Muhlbacher	LEAR 0835 PUS	4800

7590

12/19/2002

Christopher W. Quinn  
Brooks & Kushman P.C.  
1000 Town Center, 22nd Floor  
Southfield, MI 48075-1351

EXAMINER

THOMPSON, CAMIE S

ART UNIT

PAPER NUMBER

1774

10

DATE MAILED: 12/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/808,243

Applicant(s)

MUHLBACHER ET AL.

Examiner

Camie S Thompson

Art Unit

1774

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 8.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

### DETAILED ACTION

1. Applicant's amendment and accompanying remarks filed on September 30, 2002 have been acknowledged. Examiner acknowledges amended claims 1, 5, 6, 7, 11 and 17.
2. Examiner acknowledges newly added claims 19-23.
3. The objections to the drawing have been withdrawn due to the amendment of page 7, line 9 of the specification and the explanation provided by applicant.
4. The objection to claims 5 and 6 are withdrawn due the applicant's amended claims 5 and 6.
5. The rejection of claims 1-18 under 35 U.S.C. 112, second paragraph has been withdrawn due the applicant's amended claims.
6. The rejection of claims 1-18 under 35 U.S.C. 103(a) as being unpatentable over Haeseker et al., U.S. Patent Number 4,479,992 in view of Ohta et al., U.S. Patent Number 4,791,019 is withdrawn due to applicant's argument.

### *Claim Rejections - 35 USC § 103*

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haeseker et al., U.S. Patent No. 4,479,992 in view of Caudill, Jr. et al., U.S. Patent Number 4,541,885 and in further view of Ohta et al., U.S. Patent Number 4,791,019.

Art Unit: 1774

The Haeseker patent is directed towards a roof lining for automobiles that consists of a decorative layer, an intermediate layer and a support layer as per instant claim 1, 2 and 22-23 (see Figure 1a, Figure 2b, and column 2, lines 23-65). Haeseker discloses an upper layer and a lower layer for the support layer system wherein the upper and lower layers are interconnected along their whole area of contact as per instant claims 1 and 2 (see Figure 2b). The reference does not disclose that the upper and lower foam panels of the support layer comprise of polyurethane as per instant claims 11 and 12. Caudill teaches a support system used in an automobile that has a decorative layer and intermediate layer as the Haeseker reference and the presently claimed invention. In addition, the Caudill reference teaches an upper layer of polyurethane foam fused to a lower layer of polyurethane foam wherein there is an adhesive layer serving to bond the two layers by pressing as per instant claims 1, 7, 11-12, 17, 21 and 23 (see abstract; column 1, lines 14-40 and column 3, lines 51-52). Caudill teaches the upper and lower foam provide rigidity and stiffness. It would have been obvious to one of ordinary skill in the art to modify the layers of Haeseker with polyurethane as the upper and lower foam layers to allow the support layer to be relatively light in weight yet have rigidity and strength. Neither Haeseker nor Caudill disclose that the polyurethane foam has an expanded pad layer with a continuous glass strand mat with reinforced glass fibers as per instant claims 8, 16 and 23. Ohta teaches polyurethane foam interior finishing material for the use in the interior of motor vehicles as does Haeseker, Caudill and the presently claimed invention (see abstract). Ohta teaches that the polyurethane foam has an expanded pad layer with a continuous glass strand mat with reinforced glass fibers primarily to rear side of the polyurethane foam material as per instant claims 8, 16 and 23. It would have been obvious to one of ordinary skill in the art to use a

Art Unit: 1774

continuous strand mat with glass fibers on the back of the polyurethane foam because the mat would provide a soft feel and excellent rigidity and strength for better reinforcement (Ohta reference: see column 2, lines 41-51).

Haeseker discloses that the roof lining consists of pressed or resin bonded felts as per instant claims 1, 7 and 18 (see column 1, lines 27-30). In addition, the Haeseker reference also discloses that the support layer has a polyester fiber fleece facing away from the foam panels as per instant claims 9, 15 and 23 (see column 2, lines 24-29 and column 4, lines 5-6). Neither Haeseker nor Caudill disclose cushioning layers. Ohta teaches a cushion pad interposed between the support core and the decorative facing as per instant claim 10. Ohta teaches the conventional use of a cushioning pad in vehicle components to provide a soft feel and flexibility. It would have been obvious to one of ordinary skill in the art to use a cushioning pad so as to provide a soft feel and flexibility as per instant claim 14 (see Ohta reference: column 1, lines 27-31).

In Figure 1a, the Haeseker reference shows that the upper foam panel has a different material thickness than that of the lower foam panel as per instant claims 3, 4 and 6. It would have been obvious to one of ordinary skill in the art that because the upper and lower foam layers have different material thickness, each layer would then have different porosities in order to provide flexibility to the support layer system as per instant claim 13.

None of the references disclose the ratio of the thicknesses of the lower and upper foam panels as per instant claim 5. As shown in Figure 1a of the Haeseker reference, the upper foam panel has a smaller dimension than that of the lower foam panel. Haeseker also discloses that the support layer has a greater compressive strength than the intermediate and decorative layer because the support layer is compacted over a part of its extent to a closed layer of reduced thickness as per

Art Unit: 1774

instant claim 19 (see abstract). Therefore, it would have been obvious to one of ordinary skill in the art to have a ratio of material thickness for the upper and lower foam layers at 0.01 to 0.95 because the upper foam layer with greater thickness provides for greater compressive strength as per instant claims 5 and 20.

***Response to Arguments***

9. Applicant's arguments filed September 30, 2002 have been fully considered but are deemed moot due to the new ground of rejection.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Camie S. Thompson whose telephone number is (703) 305-4488. The examiner can normally be reached on Monday through Friday from 7:30 am to 4:00 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cynthia H. Kelly, can be reached at (703) 308-0449. The fax phone numbers for the Group are (703) 872-9310 {before finals} and (703) 872-9311 {after finals}.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0661.

CYNTHIA H. KELLY  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1700

